

DETAILED ACTION

Allowable Subject Matter

1. Claims 39, 40-42 and 44 are allowed.

2. The following is an examiner's statement of reasons for allowance:

The closest prior art of records is U.S. Patent No. 5,253,241 to Sekiguchi et al.

3. Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." In re Glaug F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-40 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, ...the inventor's lexicography must prevail...." Id. Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

4. The primary reference Sekiguchi et al (U.S. Patent 5,253,241) teaches an optical recording apparatus for automatically compensating for focus offset which cannot be compensated for with a conventional focus servo circuit. A plurality of auxiliary signals differing from one another in the frequency domain is generated and a plurality of auxiliary signals and information signals are consecutively outputted and recorded onto a track of the optical disk

Sekiguchi et al however does not teach at least "a control data area in the first recording area comprising an auxiliary information presence indicator indicating whether

said stripe patterns are present or not in the second recording area; wherein said stripe patterns have a lower reflectivity than an average reflectivity of an area between one stripe pattern and another stripe pattern

Moreover, the missing claimed elements from Sekiguchi et al are not found in a reasonable number of reference(s). Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would not have been motivated to include these missing elements in an embodiment in the Sekiguchi et al disclosure because: such would have changed the basic working principles and the operation of Sekiguchi which requires compensating focus offset of two optical heads.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior arts made of record and not relied upon is considered pertinent to applicants disclosure.

- Fugiwara et al (U.S. Patent No. 5,251,011) discloses Displacement Detection System.

- Mashimo (U.S. Patent No. 4,766,502) discloses Information Signal Recording Apparatus.
- Kanamaru et al (U.S. Patent No. 4,476,499) discloses Video Disc and Recording System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
June 15, 2010

